

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

STEPHEN W. BLACK, :
Plaintiff, : **Case No. 3:06-cv-026**
-vs- : **District Judge Thomas M. Rose**
WARDEN, TOLEDO : **Magistrate Judge Michael R. Merz**
CORRECTIONAL FACILITY :
Defendant. :

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #2), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on February 10, 2006, hereby ADOPTS said Report and Recommendations and the Petition is hereby DISMISSED WITH PREJUDICE and Petitioner is DENIED leave to appeal *in forma pauperis* and any requested certificate of appealability.

February 23, 2006

s/Thomas M. Rose

Thomas M. Rose
United States District Judge